

April 14, 1999

**OFFICE OF THE HEARING EXAMINER
KING COUNTY, WASHINGTON**

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DECISION ON APPLICATION FOR PRELIMINARY PLAT APPROVAL

SUBJECT: Department of Development and Environmental Services File No. **L98P0020**

JESSICA MEADOWS
Preliminary Plat Application

Location: 17519 – 91st Avenue NE
Bothell, Washington

Applicant: Precision Homes, Inc.
15625 Broadway Avenue
Snohomish, Washington
Contact: Don Lange

SUMMARY OF RECOMMENDATIONS:

Department's Preliminary Recommendation:	Approve, subject to conditions
Department's Final Recommendation:	Approve, subject to conditions
Examiner's Decision:	Approve, subject to conditions

PRELIMINARY MATTERS:

Application or petition submitted:	June 10, 1998
Complete application:	July 8, 1998

EXAMINER PROCEEDINGS:

Hearing Opened:	April 6, 1999
Hearing Closed:	April 6, 1999

Participants at the public hearing and the exhibits offered and entered are listed in the attached minutes. A verbatim recording of the hearing is available in the office of the King County Hearing Examiner.

ISSUES/TOPICS ADDRESSED:

- Recreation space

FINDINGS, CONCLUSIONS & DECISION: Having reviewed the record in this matter, the Examiner now makes and enters the following:

FINDINGS:

1. GENERAL INFORMATION:

Owner/Developer: Precision Homes
15625 Broadway Avenue
Snohomish, Washington 98296

Engineer: Barghausen Consulting Engineers, Inc.
18215 – 72nd Avenue South
Kent, WA 98032

Location: 7519 – 91st Avenue NE (west side of 91st Avenue NE)
STR: SE NW 7-26-5

Zoning: R-6
Acreage: 3.64
Number of Lots: 18
Density: 4.9 units per acre
Lot Size: Ranges from 5,000 to 8,200 with one lot at 20,790 square feet
Proposed Use: Detached Single Family Residence
Sewage Disposal: Northshore Utility District
Water Supply: Northshore Utility District
Fire District: #16
School District: Northshore School District
Complete Application Date: June 10, 1998

2. Except as modified herein, the facts set forth in the King County Land Use Services Division's preliminary report to the King County Hearing Examiner for the April 6, 1999, public hearing are found to be correct and are incorporated herein by reference. The LUSD Staff recommends approval of the application, subject to conditions.
3. Precision Homes has filed a preliminary plat application to subdivide 3.64 acres into 18 lots for single family residential development. The site is located north of SR 522 and the Sammamish River in an unincorporated portion of Bothell. The Applicant expects to combine its required recreation space with that being proposed for the adjacent preliminary plat of Woodside Place.

CONCLUSIONS:

1. If approved subject to the conditions recommended below, the proposed subdivision makes appropriate provision for the public health, safety and welfare; serves the public use and interest; and meets the requirements of RCW 58.17.110.

2. The conditions of approval recommended herein, including dedications and easements, will provide improvements which promote legitimate public purposes; are necessary to serve the subdivision and are proportional to its impacts; are required to make the proposed plat reasonably compatible with the environment; and will carry out applicable state laws and regulations and the laws, policies and objectives of King County.

DECISION:

The Preliminary Plat of Jessica Meadows as revised and received on February 2, 1999 is APPROVED, subject to the following conditions of final approval:

1. Compliance with all platting provisions of Title 19 of the King County Code.
2. All persons having an ownership interest in the subject property shall sign on the face of the final plat a dedication, which includes the language set forth in King County Council Motion No. 5952.
3. The plat shall comply with the base density (and minimum density) requirements of the R-6 zone classification. All lots shall meet the minimum dimensional requirements of the R-6 zone classification and shall be generally as shown on the face of the approved preliminary plat, except that minor revisions to the plat which do not result in substantial changes may be approved at the discretion of the Department of Development and Environmental Services.
4. The applicant must obtain final approval from the King County Health Department.
5. All construction and upgrading of public and private roads shall be done in accordance with the King County Road Standards established and adopted by Ordinance No. 11187, as amended (1993 KCRS).
6. The applicant must obtain the approval of the King County Fire Protection Engineer certifying the adequacy of the fire hydrant, water main, and fire flow to meet standards of Chapter 17.08 of the King County Code.
7. Final plat approval shall require full compliance with the drainage provisions set forth in King County Code 9.04. Compliance may result in reducing the number and/or location of lots as shown on the preliminary approved plat. Preliminary review has identified the following conditions of approval, which represent portions of the drainage requirements. All other applicable requirements in KCC 9.04 and the Surface Water Design Manual (SWDM) must also be satisfied during engineering and final review.
 - a. Drainage plans and analysis shall comply with the 1990 King County Surface Water Design Manual and applicable updates adopted by King County. DDES approval of the drainage and roadway plans is required prior to any construction.
 - b. Current standard plan notes and ESC notes, as established by DDES Engineering Review, shall be shown on the engineering plans.

- c. The following note shall be shown on the final recorded plat:

" All building downspouts, footing drains, and drains from all impervious surfaces such as patios and driveways shall be connected to the permanent storm drain outlet as shown on the approved construction drawings #_____ on file with DDES and/or the Department of Transportation. This plan shall be submitted with the application of any building permit. All connections of the drains must be constructed and approved prior to the final building inspection approval. For those lots that are designated for individual lot infiltration systems, the systems shall be constructed at the time of the building permit and shall comply with the plans on file."
 - d. Core Requirement No. 2: Off-site Analysis

The applicant's downstream analysis identified that the 18-inch culvert located under Washington State Route 522 has restricted capacity due to sediment deposition. Developer shall remove sediment from 18-inch culvert and exit vault that serves as the off-site, downstream outfall from Jessica Meadow.
 - e. Core Requirement No. 3: Runoff Control.

Storm water runoff control shall be provided using standard detention design criteria outlined in the 1990 King County Surface Water Design Manual (KCSWDM).

Biofiltration of storm water is also required for water quality enhancement. The size of the proposed drainage tracts may have to increase to accommodate the required detention storage volumes and biofiltration facilities. The runoff control facilities shall be located in a separate tract and dedicated to King County unless portions of the drainage tract are used for required recreation space in accordance with KCC 21A.14.180.

As specified in section 4.5 of the 1990 KCSWDM, roof drain storm water shall be infiltrated or dispersed within the lot area if the soil conditions are favorable.
 - f. Special Requirement No. 5: Special Water Quality Controls.

The final drainage plans and analysis shall evaluate the threshold requirements in the SWM Manual and determine if a wet pond is required. Page 3 in the King County sensitive area folio identifies a class 1 stream located within one mile of the project; therefore, if the amount of impervious surface subject to vehicular use exceeds 1 acre, a wet pond will be required.
8. The proposed subdivision shall comply with the 1993 King County Road Standards (KCRS) including the following requirements:
- a. NE 176th Street shall be designed as a through street to the west and improved as an urban subcollector with sidewalks on both sides of the street and 300-foot curve radii.

- b. A temporary cul-de-sac shall be provided at the terminus of NE 176th Street unless the through connection to the west can be coordinated with Woodside Place.
 - c. Frontage improvements on 91st Avenue NE are required to meet urban road standards and stopping sight distance provisions in KCRS Section 1.12. Unless otherwise approved by DDES, the applicant shall provide curb, gutter and sidewalk and meet stopping sight distance requirements along plat frontage.
 - d. 91st Avenue NE is classified as a neighborhood collector with a design speed of 35 m.p.h. Frontage improvements will taper to existing road width at a 35:1 ratio.
 - e. Tracts B & C shall be improved as private joint use driveways, which serve a maximum of two lots. The serving lots shall have undivided ownership of the tract and be responsible for its maintenance. As specified in KCRS 3.01C, improvements shall include an 18 foot paved surface and a minimum tract width of 20 feet. Drainage control shall include a curb or thickened edge on one side.
 - f. As required by KCRS 5.03, street trees should be included in the design of all road improvements.
 - g. 91st Avenue NE is designated a neighborhood collector which may require designs for bus zones and turn outs. As specified in KCRS 2.16, the designer shall contact Metro and the local school district to determine specific requirements.
 - h. Modifications to the above road conditions may be considered by King County pursuant to the variance procedures in KCRS 1.08.
9. King County Code 16.82.150D imposes seasonal limitations for construction. During the period October 1 through March 31, clearing and grading is not allowed unless otherwise approved by DDES. The applicants engineering plans and construction procedures shall demonstrate compliance with the applicable code requirements.
10. Lots within this subdivision are subject to King County Code 21A.43, which imposes impact fees to fund school system improvements needed to serve new development. As a condition of final approval, fifty percent (50%) of the impact fees due for the plat shall be assessed and collected immediately prior to recording, using the fee schedules in effect when the plat receives final approval. The balance of the assessed fee shall be allocated evenly to the dwelling units in the plat and shall be collected prior to building permit issuance.
11. There shall be no direct vehicular access to or from 91st Avenue NE from those lots that abut it. A note to this effect shall appear on the engineering plans and final plat.
12. Suitable recreation space shall be provided consistent with the requirements of KCC 21A.14.180 and KCC 21A.14.190 (i.e., sport court[s], children's play equipment, picnic table[s], benches, etc.). This may result in the reconfiguration and/or loss of lots.

If the project proponent combines recreation space with the area proposed for the Woodside Place plat, then the following shall apply:

- a. An overall conceptual recreation space plan shall be submitted for review and approval by the King County Department of Development and Environmental Services with the submittal of the engineering plans. This plan shall include location, area calculations (minimum 8,000 square feet or greater to satisfy the requirement for both preliminary plats), dimensions, and general improvements. The approved engineering plans shall be consistent with the overall conceptual plan. Enhanced park facilities shall be included to compensate for the remaining park area (up to 5,260 square feet) not provided on site. These park facilities shall include: a sport court, a tot lot with a Big Toy, grass areas with a picnic bench, a pathway, which connects the sport court and tot lot to the sidewalk system at NE 176th Street, and perimeter landscaping. These facilities shall be included in the conceptual recreation space plan for review by DDES and the King County Parks Department with the submittal of the engineering plans.

If the project proponent does not combine the recreation space with the area proposed for the Woodside Place plat, then the following shall apply:

- b. A detailed recreation space plan (i.e., landscape specifications, equipment specifications, etc.) consistent with the overall conceptual plan, as detailed in Item a., shall be submitted for review and approval by DDES and the King County Parks Department prior to or concurrent with the submittal of the final plat documents.
 - c. A performance bond for recreation space improvements shall be posted prior to recording of the plat.
13. A homeowners' association or other workable organization shall be established between the homeowners in the Jessica Meadows and Woodside Place platted subdivisions, to the satisfaction of King County DDES. This homeowners' association is to provide for the ownership and continued maintenance of the combined recreation space and sensitive area tracts (Tract A).
 14. Street trees shall be provided as follows:
 - a. Trees shall be planted at a rate of one tree for every 40 feet of frontage along 91st Avenue NE and NE 176th Street. Spacing may be modified to accommodate sight distance requirements for driveways and intersections.
 - b. Trees shall be located within the street right-of-way and planted in accordance with Drawing No. 5-009 of the 1993 King County Road Standards, unless King County Department of Transportation determines that trees should not be located in the street right-of-way.
 - c. If King County determines that the required street trees should not be located within the right-of-way, they shall be located no more than 20 feet from the street right-of-way line.

- d. The trees shall be owned and maintained by the abutting lot owners *or* the homeowners' association or other workable organization unless the County has adopted a maintenance program. This shall be noted on the face of the final recorded plat.
 - e. The species of trees shall be approved by DDES if located within the right-of-way, and shall not include poplar, cottonwood, soft maples, gum, any fruit-bearing trees, or any other tree or shrub whose roots are likely to obstruct sanitary or storm sewers, or that is not compatible with overhead utility lines.
 - f. The Applicant shall submit a street tree plan and bond quantity sheet for review and approval by DDES prior to engineering plan approval.
 - g. The Applicant shall contact Metro Service Planning at 684-1622 to determine if 91st Avenue NE is on a bus route. If 91st Avenue NE is a bus route, the street tree plan shall also be reviewed by Metro.
 - h. The street trees must be installed and inspected, or a performance bond posted prior to recording of the plat. If a performance bond is posted, the street trees must be installed and inspected within one year of recording of the plat. At the time of inspection, if the trees are found to be installed per the approved plan, a maintenance bond must be submitted or the performance bond replaced with a maintenance bond, and held for one year. After one year, the maintenance bond may be released after DDES has completed a second inspection and determined that the trees have been kept healthy and thriving. A landscape inspection fee shall also be submitted prior to plat recording. The inspection fee is subject to change based on the current County fees.
15. The Applicant or subsequent owner shall comply with King County Code 14.75, Mitigation Payment System (MPS), by paying the required MPS fee and administration fee as determined by the applicable fee ordinance. The Applicant has the option to either: (1) pay the MPS fee at final plat recording, or (2) pay the MPS fee at the time of building permit issuance. If the first option is chosen, the fee paid shall be the fee in effect at the time of plat application and a note shall be placed on the face of the plat that reads, "All fees required by King County Code 14.75, Mitigation Payment System (MPS), have been paid." If the second option is chosen, the fee paid shall be the amount in effect as of the date of building permit application.
16. All utilities within proposed rights-of-way must be included within a franchise approved by the King County Council prior to final plat recording.

ORDERED this 14th day of April, 1999.

Stafford L. Smith
Deputy Hearing Examiner

TRANSMITTED this 14th day of April, 1999, to the parties and interested persons shown below:

Roland and Jennifer Abermarlis
Mark Bergam
Greg Borba
Steve Bottheim
Laura Casey
Kim Claussen
Kristen Langley
Lance Moreno
Carol Rogers

Jennifer A. Steig
Mark Bergam
Greg Borba
Steve Bottheim
Laura Casey
Kim Claussen
Kristen Langley
Lance Moreno

NOTICE OF RIGHT TO APPEAL

In order to appeal the decision of the Examiner, written notice of appeal must be filed with the Clerk of the King County Council with a fee of \$125.00 (check payable to King County Office of Finance) **on or before Wednesday, April 28, 1999**. If a notice of appeal is filed, the original and six (6) copies of a written appeal statement specifying the basis for the appeal and argument in support of the appeal must be filed with the Clerk of the King County Council **on or before Wednesday, May 5, 1999**. Appeal statements may refer only to facts contained in the hearing record; new facts may not be presented on appeal.

Filing requires actual delivery to the Office of the Clerk of the Council, Room 403, King County Courthouse, prior to the close of business (4:30 p.m.) on the date due. Prior mailing is not sufficient if actual receipt by the Clerk does not occur within the applicable time period. The Examiner does not have authority to extend the time period unless the Office of the Clerk is not open on the specified closing date, in which event delivery prior to the close of business on the next business day is sufficient to meet the filing requirement.

If a written notice of appeal and filing fee are not filed within fourteen (14) calendar days of the date of this report, or if a written appeal statement and argument are not filed within twenty-one (21) calendar days of the date of this report, the decision of the hearing examiner contained herein shall be the final decision of King County without the need for further action by the Council.

The following exhibits were offered and entered into the record:

- Exhibit No. 1 Department of Development and Environmental Services File No. L98P0020 Exhibit No. 2
Department of Development and Environmental Services Preliminary Report,
dated March 31, 1999 and correction to staff report dated March 31, 1999
- Exhibit No. 3 Application dated June 10, 1998
- Exhibit No. 4 Environmental Checklist dated June 10, 1998
- Exhibit No. 5 Declaration of Non-significance dated February 24, 1999
- Exhibit No. 6 Affidavit of Posting indicating February 24, 1999 as date of posting and February 26, 1999 as
date affidavit was received by Department of Development and Environmental Services
- Exhibit No. 7 Plat Map dated February 2, 1999
- Exhibit No. 8 Land Use Map 407W
- Exhibit No. 9 Assessor's Maps NW 7-26-5
- Exhibit No. 10 Level One Drainage Analysis received October 6, 1998
- Exhibit No. 11 Sight distance study (labeled 91st Ave. NE Frontage Improvements) received October 3, 1998
- Exhibit No. 12 Additional Conditions of Approval